(4) The deferral and the transfer of the property will not substantially delay any necessary response action at the property.

The state agency responsible for environmental remediation within the State of Kansas, the Kansas Department of Health and Environment (KDHE), is actively involved in the evaluation of known and potential contamination and environmental impairments at Sunflower and will be the agency which would recommend approval or disapproval of any effort to engage in an early transfer of contaminated portions of Sunflower.

Should a transferee of Sunflower agree to conduct the cleanup which would otherwise be the responsibility of the United States, KDHE will require the transferee to provide financial assurances that it will complete a cleanup. Notwithstanding a transferee's provision of financial assurances and it's agreement to conduct the cleanup, the United States retains ultimate responsibility to assure that the cleanup is completed and protective of human health and the environment.

According to its March 1999 Installation Action Plan, the Army projects that the overall cleanup of Sunflower (i.e., the Installation Restoration Program or IRP) will be completed in September 2030. Should there be a deferral of the CERCLA covenant as discussed above, such deferral may be associated with a contractual arrangement whereby a transferee would undertake the remediation which is otherwise the responsibility of the Army. Such an agreement currently is being negotiated with the OZ Entertainment Company (OEC). Should such contractual arrangements be undertaken, it is anticipated that the cleanup will be substantially accelerated and that the remedial action will be completed years earlier than 2030. Whether a purchase with such deferred CERCLA covenant can be negotiated with the State of Kansas (or some other purchaser such as OEC) and whether, if Kansas purchases Sunflower and then sells it to OEC, OEC will agree to undertake the remedial action necessary, are not presently known. Any such deed covenant deferral would require the approval of the Governor after the public notice/comment process. In addition, for disposal of property with a deferred CERCLA covenant, GSA is committed to requiring: (1) deed restrictions and/or institutional controls to protect human health and the environment; and (2) contractual and financial assurances to ensure remediation of the property.

E. ENVIRONMENTAL JUSTICE CONSIDERATIONS

On February 11, 1994, Executive Order (EO) 12898 was signed by President Clinton requiring Federal agencies which are members of the Interagency Federal Working Group on Environmental Justice (IWG) to identify and address, as appropriate, *"disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations."* Although not a member of the IWG, GSA includes environmental justice as a part of its NEPA review and analysis.

GSA has considered the potential for any disproportionate adverse health or environmental effects on minority populations and low-income populations through its formal scoping/public comment process and through this NEPA analysis. Well-publicized Public Information and Scoping Meetings were held on October 28, 1998; and a Public Hearing was held on February 25, 1999, to inform all who might be affected by the proposed disposal and provide them an opportunity to comment. The analysis completed in the preparation of this EA takes into account those comments, as well as the economic, population and housing characteristics of the community surrounding Sunflower (see Sections III.B.1 and 2). In addition, any potential socioeconomic impacts resulting from the proposed disposal action that might impact minority or low-income populations have been identified in this EA.

II. ALTERNATIVES

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GSA considered two alternatives concerning the proposed action:

- **The No-Action Alternative:** Retain the property under Federal ownership.
- **Property Disposal Alternative:** Proceed with disposal of Sunflower in one of two ways:
  - Disposal of the entire property to the State of Kansas, or;
  - Disposal of individual parcels to one or more entities over a period of time.

Under either of these disposal options, it would be incumbent upon all future property owners and developers to comply with any deed restrictions as well as all state and local regulations and land use restrictions.

A. NO-ACTION ALTERNATIVE

The No-Action Alternative is defined as a decision by the Federal government not to proceed with disposal of Sunflower and to continue with Federal ownership and maintenance responsibility. Selection of this alternative would prevent effective management of this surplus Federal property and result in waste of taxpayer resources. Costly security, utilities and maintenance would continue on property that is no longer needed by the Federal government.

Environmental cleanup and protections for historic and archeological resources will remain subject to Army's defense priorities as well as congressional authorizations and appropriations. Park land acquisition, wildlife corridor protection, property tax revenues and the potential for an accelerated environmental cleanup by private parties would be lost or delayed. Use of the property by industrial and other tenants (see Exhibit III-21 for current Facility Use Agreements) would continue without the benefit of local use controls and without conducting a proper archeological survey. The No-Action Alternative would eliminate the opportunity for public benefit discount conveyances for schools, parks, and recreation facilities, and would significantly reduce other productive and beneficial reuses developed in accordance with the *Johnson County Conceptual Land Use Plan* and its "planned community" concept for Sunflower.

Selection of the No-Action Alternative would not eliminate the need for some form of action with respect to the property. Eventually, the public need for disposal and future reuse of the property would result in a transfer of ownership. While the No-Action Alternative may delay future impacts associated with development such as increases in noise levels, traffic volumes, utility demands, and air pollution, delay of such impacts must be weighed against the loss of disposal benefits.

B. DISPOSAL ALTERNATIVE

The Disposal Alternative is defined as a decision by the Federal Government to proceed with disposal of Sunflower. Within this alternative, two options are considered. The first option is that the entire property be disposed to the State of Kansas. The second option is that Sunflower be disposed of through the transfer or sale of individual parcels to one or more entities over time. Generally, there is little difference between these two options with respect to potential impacts (both positive and negative). The variations center on the rate at which the property would transfer, what parts of the property would be subject to CERCLA early

transfer provisions, and the degree or rate of positive and negative impacts associated with the timetable for change of ownership and development.

In anticipation of the eventual disposal of Sunflower, the Johnson County Planning Department has guided various state, county and local stakeholders in the development and adoption of the *Johnson County Conceptual Land Use Plan* (Exhibit II-1). This plan will guide all future reuse activities at Sunflower. Future owners/developers of Sunflower would be required to refer to this guidance document as well as to comply with the land use/zoning, code and other county regulations that become applicable to Sunflower after transfer out of Federal ownership.

Identifying and evaluating probable impacts associated with the Disposal Alternative requires making some assumptions because the actual type, timetable and location of future reuse activity is not known at this time. GSA and its Cooperating Agencies discussed and agreed on several key assumptions which provide the basis for the identification and evaluation of potential impacts:

- Johnson County believes that, while the 702 acre theme park development contemplated by the Oz Entertainment Company (OEC) (see Exhibit IV-1) would likely accelerate the initial rate of development, it will take 50+ years to build out Sunflower -- with or without the theme park. It is not possible accurately to anticipate the reuses or evaluate impacts over such a timeframe. GSA and its Cooperating Agencies determined that five years was an appropriate period within which to identify and assess reasonably foreseeable impacts. According to the Redevelopment Plan OEC submitted to Johnson County, and as confirmed by OEC, if the theme park went forward, the 702 acres would be fully developed in the first five years. Thus, the five year impact assessment window used in this EA encompasses and accounts for the impacts from this potential development – the higher intensity impact scenario.

- Johnson County, creator of the *Johnson County Conceptual Land Use Plan*, and the agency which would be the legal authority for reviewing and approving plans for future development at Sunflower (assuming disposal), has been the primary source for data and assumptions related to potential future activity during this five-year time frame.

- Using assumptions and data sources supplied primarily by Johnson County, and in consultation with the county, GSA developed a range of estimated development intensity at Sunflower should disposal of the property occur. The range is sufficiently broad to encompass the full range of development possibilities within the next five years, ensuring a review of all likely indirect and cumulative impacts from probable reuse activities.

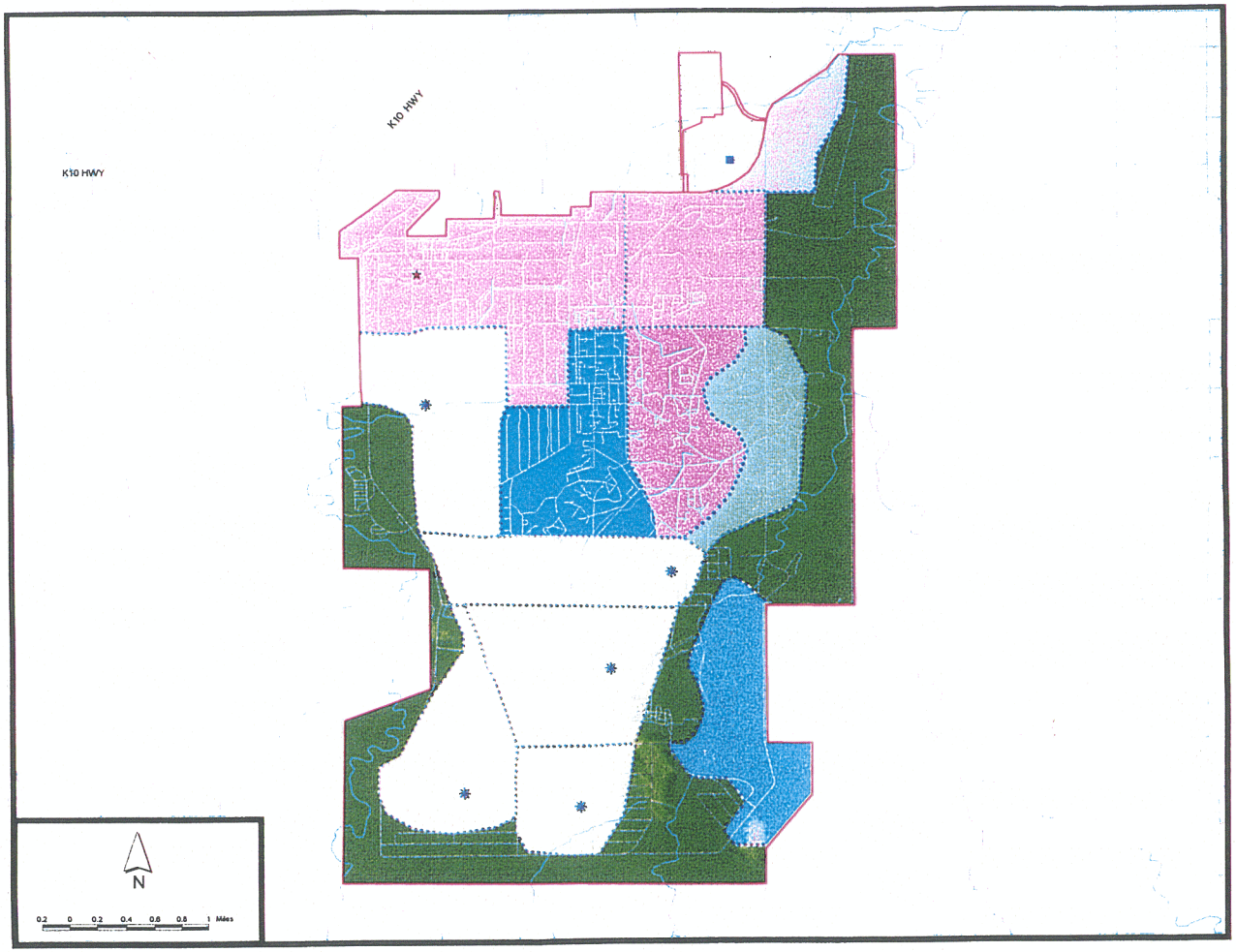
- The northeastern portion of Sunflower was assumed the primary location of development in the first five years because of its proximity to Highway K-10 and its relative freedom from hazardous substance contamination.

- Many of the requested public benefit conveyances would not involve any development (e.g., passive use parks), or would involve reuse in the indefinite future based on subsequent development of Sunflower and the surrounding area (e.g., applications by the DeSoto School District for land for schools that will be needed at some point in the future).

GSA's role in the disposal process is the administrative act of transferring ownership. GSA has no financial, material, or other interest in the future use of the land after disposal. More expressly, GSA is not advocating any particular conceptual or proposed reuse options for Sunflower. Subsequent to the transfer of property from the Federal Government to one or more parties, it would be incumbent upon

Source: Johnson County, 1998.

Louis Berger & Associates, Inc.



JOHNSON COUNTY CONCEPTUAL LAND USE PLAN

EXHIBIT II-1

future property owners and/or developers to comply with all applicable state and local regulations, as well as with any deed restrictions placed on the property by the Federal Government. The preferred alternative has been identified as property disposal.

III. AFFECTED ENVIRONMENT

III. AFFECTED ENVIRONMENT

A. SITE CHARACTERISTICS

1. Topography

The general topography of Johnson County is that of gently rolling and undulating uplands punctuated by tributaries of two major rivers–the Kansas River along the western part of the northern boundary, and the Blue River in the east. Elevations in the county range from approximately 742 feet above mean sea level (MSL) in the Kansas River valley in the north-central portion of the county to approximately 1,134 feet above MSL in the south-central portion.

Sunflower is located in northwestern Johnson County on a broad, north-south trending ridge bordered by Kill Creek and Spoon Creek to the east, and Captain Creek to the west. The ridge slopes gently from elevations of approximately 960 feet above MSL at the northern and southern ends towards the center, where elevations are approximately 915 feet above MSL. The highest elevation on Sunflower (approximately 960 feet above MSL) is found in the south-central portion of the property, the minimum elevation (770 feet above MSL) is along Kill Creek in the northeast corner. Maximum topographic relief is approximately 190 feet and slopes are less than 20 percent throughout the property (Exhibit III-I).

2. Geology

a. Introduction

Eastern Kansas lies astride the Osage and Dissected Till Plains sections of the Central Lowland Physiographic Province. The Kansas River marks the boundary of the two sections in western Johnson County, with the Dissected Till Plains to the north and the Osage section to the south. To the north, the plains are characterized by well defined and highly dissected drainage patterns, while to the south, although drainage patterns are well defined, there is a lesser degree of dissection. The Kansas River also represents the southern advance of the Nebraskan Stage of Pleistocene glaciation, while the Kansan Stage proceeded some 10 miles south of the river. Geologic processes associated with glaciation are, in part, responsible for the landscape of this part of eastern Kansas.

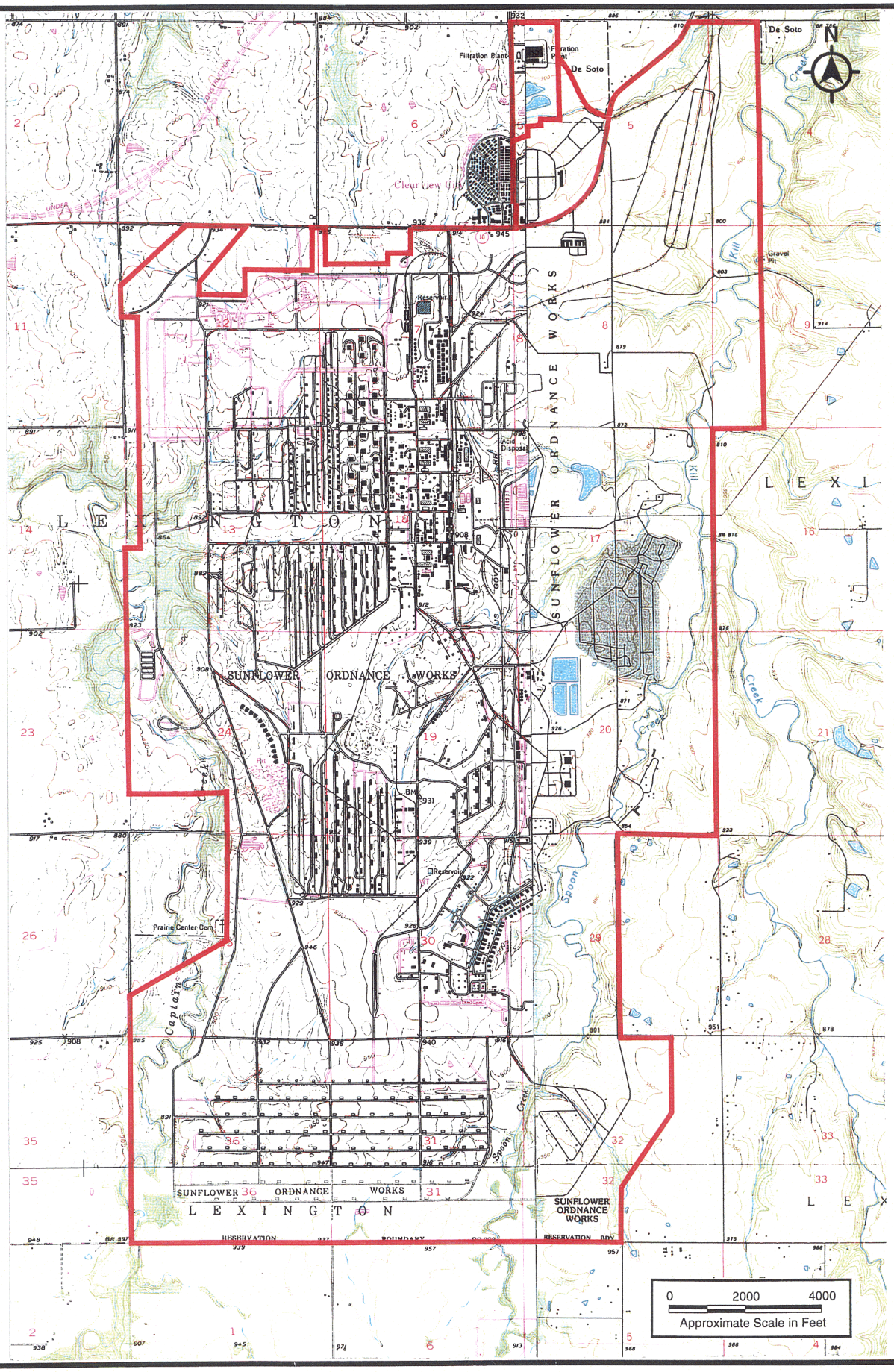
The geology of the region can be characterized as Precambrian age basement rocks overlaid by approximately 2,550 feet of relatively flat-lying Pennsylvanian through Cambrian age sedimentary strata, which is in turn overlain with a relatively thin veneer (10 to 50 feet) of unconsolidated Pleistocene and Holocene age deposits. The sedimentary bedrock is composed of alternating beds of Pennsylvanian limestones, shales and sandstones deposited in cycles of rising and falling sea levels during a period when the area was inundated by shallow epicontinental seas. The unconsolidated overburden represents glacial till and outwash deposits from the Nebraskan and Kansas glaciation stages (Kansas till), as well as alluvial, lacustrine, fluvial and aeolian deposits. The overburden is composed of clays, silts, sands, loess and some gravels.

b. Seismicity

Based on historical earthquake locations and the recurrence rate of fault ruptures, the United States Geological Survey (USGS) has produced seismic hazard maps that show, by contours, earthquake ground motions that have a common probability of being exceeded in a specified time period under specific geological site (USGS, 1998).

SITE MAP

EXHIBIT III-1



Source: USGS 7.5 Minute Quadrangles: Edgerton, Eudora, Kansas, 1978 and Gardner, DeSoto, Kansas, 1991

Louis Berger & Associates, Inc.

The general location of Sunflower is shown on such a map (Exhibit III-2). The predicted maximum amount of earthquake induced shaking with a 10 percent probability of being exceeded in 50 years is shown on this map. The ground motion is expressed as a percentage of the force of gravity (percent g) and is proportional to the hazard faced by a particular type of building.

In general, little or no damage can be expected at values less than 10 percent g, moderate damage at 10 to 20 percent g, and major damage at values greater than 20 percent g. For example, eastern Kansas is situated on contours well under 10 percent g. Thus, the potential for damage from seismic activity is not a serious concern in eastern Kansas.

3. Soils

According to the U.S. Department of Agriculture, Soil Conservation Service (subsequently renamed Natural Resource Conservation Service) *Soil Survey of Johnson County, Kansas*, published in 1979, soils of Sunflower fall into two general categories. These categories, comprised of one or more major soils and some minor soils, are related by soil characteristics, relief and drainage.

a. Kennebec-Chase

These soils comprise the drainage basins, floodplains and low terraces adjacent to Kill Creek and Spoon Creek along the eastern edge of the property, and Captain Creek along the western edge. These soils formed in alluvium and are typically between 40 and 60 inches deep. These soils are nearly level and drainage ranges from somewhat poorly drained to moderately well drained. Flooding during the winter months is not uncommon in these soils, permeability is slow to medium and runoff is slow. Many soils within this category may have reduced utility for development due to characteristics such as low strength, high shrink-swell potential, seasonal flooding and slow permeability.

b. Woodson-Pawnee

These soils comprise the upland areas between the three creeks that flank the property. They formed in loess, residuum, old alluvium, and glacial deposits, are typically between 20 and 40 inches deep, and describe a gently sloping to strongly sloping landscape. Drainage ranges from somewhat poorly to moderately well drained and permeability is generally slow to very slow in these soils. Surface runoff ranges between medium and slow and water erosion has high potential. Characteristics of these soils, which make them less than ideal for development include: high shrink-swell potential; low strength; wetness; and slow permeability. Two soil mapping units that belong to this category cover approximately 70 percent of the property: Woodson silt loam (60 percent) and Pawnee clay loam (10 percent).

Exhibit III-3 provides a map depicting the locations of soil mapping units and outlines the two general categories. Exhibit III-4 provides a table of soils found on the property and associated soil characteristics.

4. Hydrology

a. Surface Hydrology

Sunflower contains three drainage basins, all draining north less than five miles to the Kansas River. The two major drainage basins are on the east and west sides of the property, separated by an elevated ridge of flat to rolling terrain formed on glacial till and outwash material. A minor drainage basin is in the northwest corner of the property (Exhibit III-5).